

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC VON MAJOR,
Plaintiff,

v.

THOMAS SIRE,
Defendant.

Case No. 1:23-cv-01683-KES-BAM

ORDER SETTING DEADLINE FOR
DEFENDANT TO RESPOND TO
PLAINTIFF'S MOTION FOR LEAVE TO
FILE FIRST AMENDED COMPLAINT FOR
DAMAGES (Doc. 36)

ORDER VACATING AUGUST 8, 2025
HEARING

Deadline: August 1, 2025

Plaintiff Eric Von Major filed a motion for leave to file a first amended complaint on June 29, 2025, which is currently set for hearing on August 8, 2025. (Docs. 36, 37.) The motion was not accompanied by a proof of service. Accordingly, the Court directed Plaintiff to file proof of service of the motion on the pro se defendant, Thomas Sire. (Doc. 38.) Plaintiff filed a proof of service on July 17, 2025, indicating that Defendant Sire was served with a copy of the motion by mail on July 17, 2025, and by email on July 8, 2025. (Doc. 39.)

Based on the delayed service, IT IS HEREBY ORDERED as follows:

1. Defendant Sire shall file an opposition or statement of non-opposition to Plaintiff's motion for leave to file a first amended complaint no later than **August 1, 2025**.

Defendant is advised that the failure to file a timely opposition may be construed by the Court as a non-opposition to the motion. *See* Local Rule 230.

1 2. No later than ten (10) days after any opposition is filed, Plaintiff may serve and file a
2 reply to the opposition.

3 3. The hearing on the motion currently set for August 8, 2025, is VACATED. The Court
4 will take the motion under submission on the papers after the briefing deadlines have
5 expired. L.R. 230(g).

6
7 IT IS SO ORDERED.

8 Dated: July 18, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE